

HE WAS THE MOTIVE; HER'S THE CRIME.

For Wilkes, the Prosecution
Contends, Mrs. Fleming
Poisoned Her Mother.

Hints That He, a Student of
Chemistry, Furnished the
Fatal Drug.

On the Stand He Wiggles, Evades,
Forgets, and All the While
She Smiles on Him.

TRIES TO RID HIMSELF OF HER.

Fearing to Be Deserted, Mr. McIntyre Says,
the Woman Did Murder to Win Her
Patrimony—Her Many Letters
Identified in Court.

By Edgar Saltus.

The motive for the murder with which Mrs. Fleming is charged has at last been produced. Ferdinand Wilkes, a man with the bay-rumped barber air of the type elsewhere known as mackerel, was called, and, through process gradual but unique, was evolved an aim. As he sat before the jury yesterday it was less at the excessive forehead and Capoulesque beard which they looked than at the motive in flesh and blood, which, after two weeks of talesman-baiting, and nearly three more of tragedy and farce, was with the clash and clatter of a faucon, practically hung upon the stand.

Already with the courtesy of the eighteenth century, that courtesy which technically is known as red-headed, Mr. Brooke had declined to cross-examine Professor Vaughn, the eminent toxicologist whose brief testimony had been carried over from the day before, and presently Mr. McIntyre called for Mrs. Reynolds, a lady who lives in the suburbs and who was a friend of the late Mrs. Bliss. Mrs. Reynolds did not appear. Mr. McIntyre moved for an attachment. Then he called for Wilkes. He too, was absent. Mr. McIntyre moved that he be arrested, that his bail be forfeited and displayed an anger beside which that of Achilles could have been but a feeble emotion. You could see court officers vanish, and in a moment you could see Wilkes emerge. He ran into court and sealed the stand as though pursued by the fates. The instant he was sworn Mr. McIntyre sprang at him. In the Assistant District Attorney's hand was a statement which Wilkes previously had made. It was the key to the entire situation. With it Mr. McIntyre tried to unlock the door of speech. But through disguise it must have grown rusty; it refused to turn. Wilkes's recollections were few and remote. His memory was an abyss in which there was nothing. As the witness would not turn in that lock, Mr. McIntyre tried to hammer it into a hammer.

"I protest!" cried Mr. Brooke. "Every witness the prosecution calls it attacks." The protest was as profitable as the childing of a river. With that key there was hammered out of Wilkes the fact that he had studied chemistry abroad; that subsequently he had been employed in a chemical supply shop, and had arsenic an odor instantly you would have smelt it in that room. Later, in the form of powders, it was almost visible in drugs which Wilkes had obtained from a local pharmacy, and for which no prescription had been asked. At once from witness Wilkes turned to accomplish. Then one after another, like so many blows, came question after question. Wilkes was transformed. You forgot the accomplice—it was the motive that you saw. And, as the questions, broadened each one by objections from Mr. Brooke, increased and multiplied, the story of the prosecution, heretofore but dimly seen, at last grew clear.

You could see the first meeting between the defendant and the witness, the intimacy that developed. You could fancy though not behold the passion of the woman for her lover; see his neglect, and, with it, among his efforts to leave her, a trick which he played and which consisted in saying he was about to sail for abroad—a trick which did not work; then new efforts to rid of her, the heightening of her love, and with it a hint for vitascope you could see her own efforts to detain him, her attempts to get money from her father's estate; the journeys which the pair made to lawyers; the exhaustion of every legal means, even to that of invoking the aid of the Legislature to obtain it, and finally her plan to get it anyway, and to take her lover and support him abroad. It was only in outline, though it was hammered in, and if there are proofs with which to frame it, it will make a very pretty picture indeed.

During the process of its production it was curious to note the changes in Wilkes's tone. At first he was bravely defiant. He did not talk; he shouted; presently his voice sank; the quality of his grammar changed. From indifferently good it became completely Ollendorf. At times he was incoherent. Every time he spoke Mrs. Fleming laughed at him. Her pretty sister sat convulsed. Since the trial began they have not either of them had a more enjoyable time. Their hilarity was infectious. There were occasions when laughter tripped through the court, and the session which had begun with scientific sedateness ended in a broad guffaw.

Barring a possible adjournment on Monday, the case for the prosecution will close on that day. It is believed that the defense will require but a few days more at most, and that the trial will be concluded by the end of next week.

THE BAITING OF WILKES.

Prosecution Causes Him to Squirm
in His Efforts to Shield
the Defendant.

Yesterday's incidents in the Fleming trial would have done for a blackguard's baiting, the sort of a thing that Yvette Guilbert might have sung; a romance of the dregs. At the bar of the court was a woman, admittedly she should not be, accused of murdering her mother in order to get a fortune with which to fly around the world with her lover; on the witness stand, that lower blunderingly trying to protect her, for mercenary or other reasons, and being forced to add the full weight of his testimony to what was already against her.

It was lurid in its equal.

The young man who held the centre of the stage during the greater part of yesterday,



Wilkes, Who the Prosecution Says Is the Motive.

He was on the stand all day yesterday in the trial of Mrs. Fleming, and tried to shield the defendant in every way possible. He had absolutely forgotten statements made to him on September 16, and could barely remember what he said Wednesday night. He identified half a hundred letters written to him by the defendant.

made only a perfunctory compliance with the commandment to deny such relations as existed between him and the woman. As the day wore on and he became used to the situation, uncomfortable as it was, he let even this slight concession to custom pass and when he was asked whether the defendant woman not only knew of and approved of the relations between her daughter and himself, but that it was through her agency that those relations were assumed. This left absolutely nothing lacking in the gutter-bell romance.

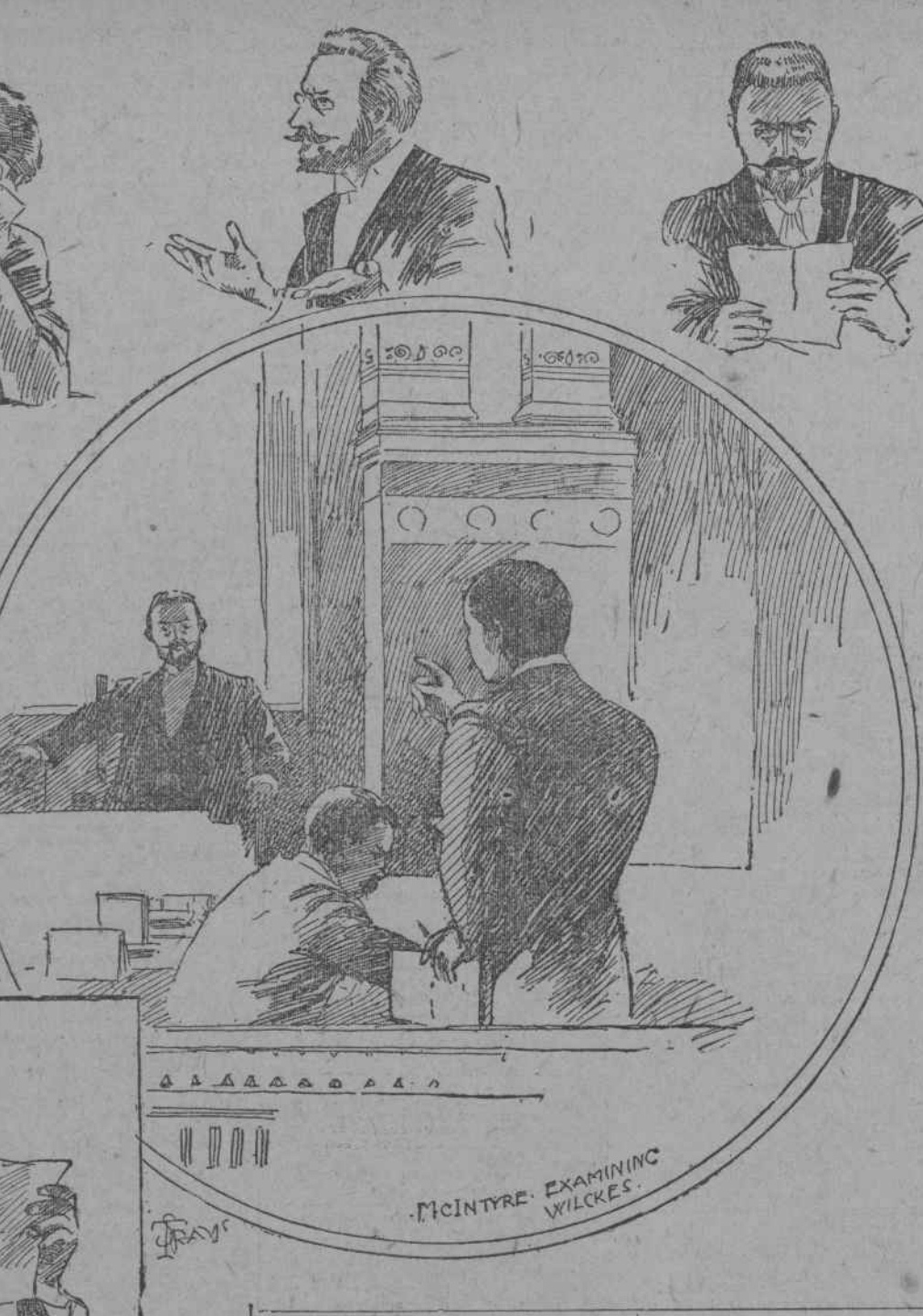
Had No Stomach for Jail.

Ferdinand Wilkes, like nearly all men who find themselves in such a situation, is a fool. He felt called upon to make himself an unwilling witness against Mrs. Fleming, and did not have the courage to do it boldly and to go jail for refusing to testify. Instead, he shifted and evaded and pretended to forget and was confronted by past statements he had made, was enraged by intimations that it was consideration for himself rather than care for the woman that actuated him in his conduct, was tortured and twisted and purposely misunderstood, had his relations with the wretched woman exposed to the light and was forced to comment upon them, and finally left the stand without even the satisfaction of supposing that he had carried out his unpleasant contract well.

He even had to read over again the woman's letters to himself, written to him all through their long, evil association, and extorted from him by the police after the woman who wrote them had been arrested for murdering her mother. He had to sit and hold his tongue and his tongue when he was accused, by implication at least, of being a partner to the crime the prosecution is trying to establish, as he was her companion in defying the ordinary rules of society. He had to answer civilly when they asked him about his knowledge of drugs and chemistry and his facilities for obtaining them, and ignored the suggestion that it was through these means that the woman procured the poison that ended her mother's life. He had, though he fought hard against it, to tell of conversations in which he participated, that concerned the money which would be hers (and by implication his) when the old woman was dead.

A Woman's Smile His Reward.

Wilkes had to go through all this, and his reward was limited to the approval of the woman. A change in her manner was noticeable the moment his name was called. The color came into her cheeks, her eyes sparkled, she gave a pat to her hair on either side, and generally preened herself, evidently for his inspection. He declined to answer on the ground that it would tend to degrade him when they asked if he was not the father of at least one of her children; she looked up boldly and laughed about it at his embarrassment. Wilkes is a young fellow, and, in most respects, a weak man, is scanty on the sides and lacking about the mouth. There is nothing particularly evil about his appearance. He is not without a certain sort of cleverness that caused his persecutors some trou-



greeting with their eyes when he took his seat in the witness stand. After the preliminary questions, McIntyre asked him what other names he had.

"Christian Joseph Mary," he answered. "Is that all the names of your names?"

"No, sir."

Wilkes smiled knowingly. Florence Bliss had said and Mrs. Fleming's amusement was almost as great. Averill is the name of one of her children. Later it developed that Averill was also a name of Wilkes's brother. McIntyre's manner was aggressive. He made no attempt to disguise his hostility.

"It is the most extraordinary thing I ever saw," said Brooke.

McIntyre went on asking the witness about his business and other things that he had been employed by a firm that furnished druggists supplies.

"I can't imagine what that can have to do with this case," protested Brooke.

What it had to do with the case developed presently when McIntyre asked the witness about his knowledge of chemistry. He declared he had none, except what came from an ordinary college course in Germany.

"You know that man, Hephner, don't you?" said McIntyre, pointing to a spectator in the jury box or outside. He seemed to be acquainted with the spectator and the lawyers growled a little about it. This is one of the most extraordinary things that McIntyre has done.

Once in the Coffin Business.

"Were you ever employed in the introduction of a patent coffin?" asked McIntyre.

"Yes, sir."

"What had that to do with the case?" asked Brooke.

Then followed questions as to his acquaintance with the principal characters in the case. He said he had known Mrs. Bliss and Mrs. Fleming for years. That he knew Mrs. Fleming well and had frequently met her. He said he had known her since she was a child. He said he had known her since she was a child. He said he had known her since she was a child.

GOADED BY PREVIOUS STATEMENTS.

It was no surprise that Wilkes tried to go back on the statement he had made to the District Attorney. He had known the woman's conduct, and he had known the woman's conduct. He had known the woman's conduct. He had known the woman's conduct.

"What you said was written out, was it?" asked McIntyre.

"Yes, sir."

"Now, then, wasn't it in July you stopped at the Colonial Hotel?"

"What name did you register at the hotel?"

"I don't know."

"Was it your right name?"

"Brooke fought hard for the witness, but he didn't get it."

"I guess I won't my right name."

"Was it F. W. Miller?"

An object was made of answering, but the witness refused to answer. He said he didn't remember. He said he didn't remember. He said he didn't remember.

"I can't remember," said Wilkes. "Mr. McIntyre mentioned the name Miller. The witness said he didn't remember. The witness said he didn't remember. The witness said he didn't remember."

There was a little preface to the drama of the stuns. Professor Vaughn, the poison expert, had to answer the long hypothetical question propounded to Dr. Fisher the day before. When Dr. O'Sullivan began to read this question Brooke got up in the interest of expedition.

Professor Vaughn has heard the question. He said he had heard the question. He said he had heard the question. He said he had heard the question.



he had forgotten over night. He moodily answered in the affirmative.

"Do you remember stating to Mr. McIntyre after hearing this statement read to you, 'This occurred in March, 1892. Did you make the statement last night?'"

Wilkes shifted uneasily, started to talk once or twice and failed, and finally braced himself and tried to bray it out.

"At present," he said, "I don't recollect, but as you wrote it I suppose I will have to take your word for it."

"Don't you know you made that statement on the 16th of September?"

"Yes."

"Well, what was it the defendant said about that money?"

"I can't remember the exact words."

"I don't want the exact words, I only want your best recollection."

"For the present, I don't remember."

"Do you remember saying to me last evening, Mrs. Bliss told me the entire story in the presence of Alice Fleming, the defendant?"

"I object," cried Brooke, "on the ground that the witness is incompetent."

"Objection overruled," said the Recorder.

"Yes," said Wilkes helplessly.

"And you don't remember this morning when you told Mr. McIntyre that you had told me all I remember?"

"I have told you all I remember."

"Didn't you say on the 16th of September that she told you the story of the money that she would get on her mother's death?"

"I don't know."

"You're not going to evade me," said McIntyre.

But the witness stuck to his loss of memory.

It Was Only "Joking" Talk.

"What did she say?"

"As a matter of fact, there was so much talk about it—kind of joking talk—that I can't remember what the conversation was."

"Did Mrs. Fleming ever invoke your aid to assist her in getting the money before the death of her mother?"

"I don't remember," said McIntyre.

McIntyre tried to question Wilkes about the means employed to pass an act through the Legislature. He asked Wilkes if he held the money. The witness laughed so that the Recorder took a hand.

"You honor," protested the witness, "there was so much joking that I can't remember, except that Mrs. Bliss wanted to have the act of the Legislature passed so that she could get the money."

McIntyre wanted to know who had advised Wilkes how to dodge answering questions about the money. He asked Wilkes if he had any connection with the money. He asked Wilkes if he had any connection with the money.

"It was time for the noon recess when this point was reached, and the lawyers and witnesses went out of court pulling as though they were engaged in severe physical exercise. Everybody in the court room showed the effects of the strain, for the examination had been like lightning in its rapidity—that is, everybody except Mrs. Fleming and Florence Bliss—they were as fresh and merry as school girls at a picnic."

In the afternoon the examination continued relative to the journey abroad. In his questions like a smith beating an anvil, and the witness shifting, evading, growing hot and cold by turns.

"When was this conversation about that act of the Legislature?" asked McIntyre.

Brooke's objection that the witness had said it was never discussed in the defendant's presence failed, and Wilkes answered that it happened in 1893.

"What did the defendant at the bar say to you about that?"

"That an act should be passed to release that money."

"How often was it discussed?" asked Brooke.

"Perhaps once or twice," said Wilkes, pulling his beard.

read it now I object to his reading it," said Brooke, but nobody minded him. Wilkes read the letter and announced it was in the handwriting of Mrs. Fleming. Later he said he was no handwriting expert, and couldn't identify the letters positively.

Brooke was chatting with his associates. "Do you object, Mr. Brooke?" said the Recorder.

"Yes, sir; yes, sir."

"Object to what?" asked the Recorder.

Brooke snorted and said, "At last Wilkes was allowed to read all the letters. McIntyre asked that they be all admitted in evidence in a bunch."

"To consent," said Brooke, "if they had been gotten in any other way than with a funny and a dark lantern. If anybody but a policeman had taken them in such a way they'd call it burglary," said he.

"Did the defendant ever address you as Emily?" asked McIntyre.

"Yes," admitted the witness, sheepishly. "And what did you call her?"

"I called her Alice."

"Anything else?"

"Yes, Alice and Apolloni."

McIntyre went back to the letter sent Wilkes by Mrs. Fleming on the day of her mother's death. Answering Brooke's objection, he said:

Ignored Her Mother's Death.

"The letter shows an absence of feeling, an absence of grief. The letter asks this witness to meet her the second night after her mother was poisoned, and she did not even mention the death of her mother the night before."

But an objection was sustained.

"You know where Henkle's drug store is? With whom did you go there?" McIntyre next asked.

"Alone."

"Did you ever go there with Florence Bliss and this defendant?"

"No, sir."

"Did you ever purchase powders there?"

"Yes, sir."

"What did you do with them?"

"Gave them to Mrs. Lockwood, a friend of Florence Bliss."

"Did you get those powders with or without a prescription?"

"Without."

"Did you, at any other time, get drugs there without a prescription?"

"No, sir."

Wilkes called for Europe on March 4, 1893. Mrs. Fleming and Mrs. Bliss saw him off. "Did you see or hear a quarrel between the two on the dock?"

"I don't know," said Brooke, "on the ground that the witness is incompetent."

"Objection overruled," said the Recorder.

"What did they say?"

"There was no quarrel at all. Mrs. Bliss was surprised to see the defendant there. I don't remember what they said."

"Didn't they have a quarrel because Alice went there to see you off?"

"Mrs. Bliss said: 'I'm astonished to see you here; what are you doing here? that was all.'"

"Did you tell Mr. Miller on September 16 that you left them because there was trouble and you didn't want to be mixed up in it?"

"I don't remember."

Trip to Japan Projected.

McIntyre tried to drag out of Wilkes that Mrs. Fleming wanted to go to Japan with him. Mrs. Bliss said she could not allow Alice's children into St. John's College. Then Alice said she would go. Wilkes denied the part referring to the children and insisted that the talk of going abroad with him was only a joke.

As a wind-up, McIntyre asked Wilkes to tell how the letters came in the possession of the police. He was asked at the police station, "grumbled the witness, 'For some letters, Detective McCallough and Mr. Miller talked to me and went to my house, leaving me there. I had to sleep there, and during this time there was a detective dogging after me all the time. About 8 o'clock they took me down into my room. McCallough searched my room and then we went into my office. Then he said to me: 'Now, if you have got any letters you would better give them up, or I will search the office and find them. Under the desk I gave him these letters. Otherwise I would never have given them.'"

Brooke and McIntyre snarled at each other a little over this statement, and then McIntyre announced that he was through with the witness. Brooke asked to have all Wilkes's testimony stricken from the records. After a little argument the Recorder struck out all about the relations between the witness and Mrs. Fleming and the paternity of her children. He said that he would consider whether the communication relative to the journey abroad should be thrown out or not, and the jury looked as solemn as if they really could expunge those letters from their memories.

This morning Mr. Brooke will try to bring Wilkes back into line and McIntyre will then have another go at him.

LOOKS LIKE MRS. FLEMING

Herman Reick is on Trial for Murder, Also but His Jury's Composite Nose Is a Pug.

"That was the exclamation which came from the lips of an elderly man when Herman Reick was brought into Part IV. of the General Sessions yesterday afternoon to witness the selection of the twelfth member of the jury which is to try him for the murder of Amelia Elizabeth Werth, his wife."

The murder was committed nearly a year ago, in Mrs. Werth's lodgings at No. 458 East One Hundred and Fifty-first street. Reick shot his wife three times because, as he said, she was unfaithful and because she refused to give up certain

papers relating to the grocery business which they had at No. 447 East One Hundred and Forty-ninth street.

Reick has been in the Tombs ever since, and with the prison pallid upon his face, his emaciated face and long nose, he did bear a striking resemblance to the woman in black who is now on trial in another part of the same court. The entire facial contour of Reick, allowing for a masculine strength and solidity of jaw, bears a striking resemblance to that of Mrs. Fleming, especially in profile.

Reick does not deny that he killed his wife—the influence calls her Mrs. Werth—and she preferred bearing the name of her first husband even after she had married Reick. His mother, Mrs. Werth, saw the shooting, and will testify against her father, Mrs. Elizabeth Bennett, of No. 458 East One Hundred and Fifty-first street, who makes a business of buying and selling guns and pistols. Reick drew his revolver, and heard the shots fired as she escaped through a window. She will also testify.

Three hundred and eight talesmen were examined before the jury was filled. Abe Levy and Thomas J. Dineen were the only ones who were not married. Eleven jurors had been secured on Monday, Tuesday and Wednesday. William McCallough, who makes a business of buying and selling guns and pistols, was the twelfth man. The others being: Matthew Moore, truckman, No. 555 Tenth street; James L. Leary, picture frames, No. 365 Eighth avenue; Hyman Nannes, clothing, No. 13 Catharine street; William Cullinan, wholesaler, No. 626 Broadway; Edward W. Noble, buyer, No. 650 Western Boulevard; Frank G. Glaser, grocer, No. 729 Amsterdam avenue; W. J. Wadden, life insurance, No. 32 West Ninety-fifth street; Charles H. Hillard, broker, No. 325 West Fifty-sixth street; Rufus D. Picher, real estate, No. 300 West One Hundred and Forty-fifth street; John H. Drow, house mover, No. 348 West Fifth street; and D. M. Mosler, painter, No. 1438 Broadway.

Unlike the Fleming juryman, who were picked for straight noses by the defendant, the Reick jury's composite nose is a pug, and weird they are as to whiskers. Taking of testimony will begin at 10 o'clock this morning.

"I can only tell if I read it."

"The Court has ruled once that he can't